

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23904 of 2004

Between:

K.Mamatha, D/o.Vijaya Mothan,
R/o.Flat No.1301, Sai Raghava Towers,

Opp:to Vasantha Nagar Main Gate,
Hyderanagar, Hyderabad.

..... PETITIONER

AND

1. The Govt. of A.P., Social Welfare (CV.2)

Department, rep.by the Secretary,

Secretariat Building, Hyderabad.

- 2 The District Collector, Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned order passed by the 1st respondent in Memo.No.9964/CV.2/2004-1 dated 30-11-2004 as illegal, arbitrary capricious and violative of principles of natural justice and a non speaking order without furnishing any reasons and passed by non application of mind and without hearing the party or the counsel and consequently to set-aside the same and suspend the operation of the order impugned in the appeal passed by the District Collector, Warangal District in proc No.C5/6794/2003 dated 29-09-2004 pending disposal of the appeal before the 1st respondent or to pass any other order or orders.

**Counsel for the Petitioner: SMT.N.(P).ANJANA DEVI AND
SRI P. SATYANARAYANA**

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage, made the following :

HONOURABLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23904 of 2004

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ORDER:

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Challenging the proceedings passed by the first respondent in Memo No.9964/CV.2/2004-1 dated 30.11.2004, the present writ petition is filed.

2. The learned counsel for the petitioner contended that without recording any reasons, the stay application has been rejected and therefore, it has to be set aside.

3. The learned Government Pleader for Social Welfare appearing for the respondents contended that the power of the Government to grant stay is only with regard to criminal prosecution, but not to the studies of the writ petitioner.

4 . Perused the material papers filed before this Court. Admittedly challenging the order passed by the second respondent in canceling the social status certificate, the petitioner filed an appeal under Section 7 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and it is pending for disposal. Along with the appeal, the writ petitioner filed an application for grant of stay and the same was rejected. As rightly contended by the learned counsel for the petitioner, the impugned proceedings in Memo No.9964/CV.2/2004-1 dated 30.11.2004, do not contain any reasons and also no opportunity was given for the writ petitioner before dismissal of stay application. Therefore, on these two grounds, the proceedings are liable to

be set aside.

5 . Hence, the Proceedings in Memo No.9964/CV.2/2004-1 dated 30.11.2004 are set aside. The first respondent-Government is directed to dispose of the appeal of the petitioner within three months from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is allowed. No costs.

22nd December, 2004. -----

SKM K.C.BHANU, J

TO

1. The Secretary, Govt. of A.P., Social Welfare (CV.2)

Department, Secretariat Building, Hyderabad.

2 The District Collector, Warangal, Warangal District.

3 Two C.Cs to the GP for Social Welfare, AP High Court

Buildings, High Court of AP, Hyderabad (O.U.T.)

4 Two C.D. Copies.